

SECOND REGULAR SESSION

# SENATE BILL NO. 539

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4087S.01I

## AN ACT

To repeal section 142.803, RSMo, and to enact in lieu thereof one new section relating to taxation of motor fuel, with an emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 142.803, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 142.803, to read as follows:

142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel **other than gasoline and diesel fuel**, seventeen cents per gallon;

(2) **Gasoline, nineteen cents per gallon;**

(3) **Diesel fuel, twenty-three cents per gallon;**

(4) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

[(3)] (5) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;

[(4)] (6) Compressed natural gas fuel, five cents per gasoline gallon equivalent until December 31, 2019, eleven cents per gasoline gallon equivalent

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 from January 1, 2020, until December 31, 2024, and then seventeen cents per  
21 gasoline gallon equivalent thereafter. The gasoline gallon equivalent and method  
22 of sale for compressed natural gas shall be as published by the National Institute  
23 of Standards and Technology in Handbooks 44 and 130, and supplements thereto  
24 or revisions thereof. In the absence of such standard or agreement, the gasoline  
25 gallon equivalent and method of sale for compressed natural gas shall be equal  
26 to five and sixty-six-hundredths pounds of compressed natural gas. All applicable  
27 provisions contained in this chapter governing administration, collections, and  
28 enforcement of the state motor fuel tax shall apply to the tax imposed on  
29 compressed natural gas, including but not limited to licensing, reporting,  
30 penalties, and interest;

31        [(5)] (7) Liquefied natural gas fuel, five cents per diesel gallon equivalent  
32 until December 31, 2019, eleven cents per diesel gallon equivalent from January  
33 1, 2020, until December 31, 2024, and then seventeen cents per diesel gallon  
34 equivalent thereafter. The diesel gallon equivalent and method of sale for  
35 liquefied natural gas shall be as published by the National Institute of Standards  
36 and Technology in Handbooks 44 and 130, and supplements thereto or revisions  
37 thereof. In the absence of such standard or agreement, the diesel gallon  
38 equivalent and method of sale for liquefied natural gas shall be equal to six and  
39 six-hundredths pounds of liquefied natural gas. All applicable provisions  
40 contained in this chapter governing administration, collections, and enforcement  
41 of the state motor fuel tax shall apply to the tax imposed on liquefied natural gas,  
42 including but not limited to licensing, reporting, penalties, and interest;

43        [(6)] (8) Propane gas fuel, five cents per gallon until December 31, 2019,  
44 eleven cents per gallon from January 1, 2020, until December 31, 2024, and then  
45 seventeen cents per gallon thereafter. All applicable provisions contained in this  
46 chapter governing administration, collection, and enforcement of the state motor  
47 fuel tax shall apply to the tax imposed on propane gas including, but not limited  
48 to, licensing, reporting, penalties, and interest;

49        [(7)] (9) If a natural gas, compressed natural gas, liquefied natural gas,  
50 electric, or propane connection is used for fueling motor vehicles and for another  
51 use, such as heating, the tax imposed by this section shall apply to the entire  
52 amount of natural gas, compressed natural gas, liquefied natural gas, electricity,  
53 or propane used unless an approved separate metering and accounting system is  
54 in place.

55        2. All taxes, surcharges and fees are imposed upon the ultimate consumer,

56 but are to be precollected as described in this chapter, for the facility and  
57 convenience of the consumer. The levy and assessment on other persons as  
58 specified in this chapter shall be as agents of this state for the precollection of the  
59 tax.

60 **3. Beginning twelve months from the effective date of this act,**  
61 **the rate of tax imposed under subdivisions (1) to (3) of subsection 1 of**  
62 **this section shall be adjusted annually by the percent increase in**  
63 **inflation. As used in this section, the following terms mean:**

64 (1) "CPI", the Consumer Price Index for All Urban Consumers for  
65 the United States as reported by the Bureau of Labor Statistics, or its  
66 successor index;

67 (2) "CPI for the preceding year", the average of the CPI as of the  
68 close of the twelve month period ending three months prior to the date  
69 on which adjustment is required;

70 (3) "Percent increase in inflation", the percentage, if any, by  
71 which the CPI for the preceding year exceeds the CPI for the twelve  
72 month period beginning nine months after the effective date of this act.

Section B. Because immediate action is necessary to provide funding for  
2 transportation in this state, section A of this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace and safety, and is  
4 hereby declared to be an emergency act within the meaning of the constitution,  
5 and section A of this act shall be in full force and effect upon its passage and  
6 approval.

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